

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 5-8, 11-14, 16-21, 48-54, and 68-80 are pending in the application, with claims 68, 73, 78, and 80 being the independent claims. Claims 3 and 46 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claim 80 has been withdrawn from consideration. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Election/Restriction

Applicants affirm the provisional election of the invention of group I, represented by claims 3, 5-8, 11-14, 16-21, 46, 48-54, and 68-79 for prosecution. Applicants also affirm that this election was made without traverse. Claim 80 (group II) has been withdrawn from consideration.

Rejections under 35 U.S.C. § 112

Claims 3 and 46 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3 and 46 were rejected because the claims define the cryptography engine as a "DES engine." Specifically, the examiner states that the "extra component [of claims 68 and 73] means that the cryptography of claims 68 and 73 is an improvement upon DES engine. As such, because of the improvement, one can no longer claim that the engine is a DES engine since DES is a standard. One cannot improve upon a standard and still say that what results is the same standard." (Office Action, p. 4). Applicants respectfully disagree. There is no standardized structure for the implementation of the Data Encryption Standard algorithm. The National Institute of Standards and Technology (NIST) states that a DES implementation "may consist of software, firmware, hardware, and any combination thereof." (<http://csrc.nist.gov/cryptval/des/desval.html>). NIST provides services to validate that implementations (including those that improve the efficiency of DES operation) conform to the DES algorithm. The assignee of the current invention has several DES implementations that have been validated by NIST.

However, in order to expedite prosecution, Applicants have canceled claims 3 and 46 by the above amendment.

Double Patenting

Claims 3, 5-8, 11-14, 16-21, 46, 48-54, and 68-79 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-8, 13-19, 21, 23, 25-34, 36, 38-42 of copending Application No. 09/892,242. Without acquiescing to the propriety of this rejection, Applicant submits a timely filed terminal disclaimer in compliance with 37 C.F.R. §

1.321(c) to overcome this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that claims 3, 5-8, 11-14, 16-21, 46, 48-54, and 68-79 would be allowable if amended and/or a terminal disclaimer is filed.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

QI *et al.*
Appl. No. 09/892,310
Atty. Docket: 2875.0450001

Prompt and favorable consideration of this Amendment and Reply is
respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Lori A. Gordon
Attorney for Applicants
Registration No. 50,633

Date: 3-6-07

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

629101_1.DOC